

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS
SEPTEMBER 11, 2001

This document relates to:

Burnett, et al

Plaintiffs

v.

Al Qaeda Islamic, *et al.*

Defendants

Case No. 1:03-cv-09849-RCC

**DEFENDANT WAEL JELAIDEN'S ANSWER TO PLAINTIFFS' THIRD
AMENDED COMPLAINT**

Defendant WAEL JELAIDEN ("WJ"), through undersigned counsel, hereby submits his Answer to Plaintiffs' Third Amended Complaint ("Complaint.")

JURISDICTION AND VENUE

1. WJ denies that this court has jurisdiction over him.
2. WJ does not possess sufficient information to admit or deny the allegations contained in paragraph 2.
3. WJ denies that venue is proper in this district.

PARTIES
PLAINTIFFS

4. WJ does not possess sufficient information to admit or deny the allegations contained in paragraph 4.

FACTUAL ALLEGATIONS AGAINST DEFENDANTS

BACKGROUND

5. WJ does not possess sufficient information to admit or deny the allegations in paragraph 5.
6. WJ admits the facts presented in paragraphs 6 - 10 are true or did occur to the extent that said facts are widely and commonly known.
7. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 11 - 17.

The Hamburg al Qaeda Cell

8. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 18 - 39.

The Banking Defendants

The Islamic Banking System and its Role in International Terrorism

9. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 40 - 46.

Al Baraka Investment and Development Corporation

10. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 47 - 66.

Al Shamal Islamic Bank

11. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 67 - 83.

Al-Rajhi Banking and Investment Corporation

12. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 84 - 87.

National Commercial Bank

13. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 88 - 96.

Dar al Maal al Islami

14. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 97 - 99.

Faisal Islamic Bank - Sudan

15. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 100 - 102.

Al Barakaat Exchange LLC

16. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 103 - 106.

Tadamon Islamic Bank

17. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 107 - 110.

Dubai Islamic Bank

18. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 111 - 123.

Bank al-Taqwa Limited

19. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 124 - 137.

Arab Bank, PLC

20. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 138 - 139.

Saudi American Bank

21. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 140 - 149.

THE CHARITY DEFENDANTS

The Charity Fronts of Terror

22. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 150 - 153.

Al-Haramain Islamic Foundation, Inc.

23. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 154 - 157.

Al-Haramain's Humanitarian Efforts Used to Conceal Support for al Qaeda

24. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 158 - 166.

Al-Haramain's Ties to al Qaeda's 1998 United States Embassy Bombings

25. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 167 - 171.
26. WJ affirms in part and denies in part the contents of paragraph 172. WJ does not possess sufficient information to admit or deny the first allegation of said paragraph. To the extent the second allegation in paragraph 172 names WJ as a top operative of Osama bin Laden, WJ denies this allegation. Finally, WJ admits

he was designated by the US Department of Treasury as a SDGT, although he denies the basis for his designation.

27. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 173 - 175.

Al Haramain role in funding international terrorism is ongoing and demonstrates a pattern of conduct

28. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 176 - 179.

Benevolence International Foundation Inc.

29. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 180 - 228.

World Assembly of Muslim Youth

30. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 229 - 233.

International Islamic Relief Organization

31. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 234 - 235.
32. WJ affirms in part and denies in part the contents of paragraph 236. WJ does not possess sufficient information to admit or deny the first three allegations of said paragraph. To the extent the fourth allegation in paragraph 236 names WJ as Secretary General of the Rabita Trust and Muslim World League, WJ admits these allegations as true. WJ denies that as Secretary General of the Rabita Trust and Muslim World League, he repeatedly aided and abetted terrorists. WJ admits he was designated by the US Department of Treasury as a SDGT, although he

denies the basis for his designation. WJ does not possess sufficient information to admit or deny the rest of the allegations in paragraph 236.

33. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 237 - 248.

International Islamic Relief Organization

34. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 249 - 254.
35. WJ affirms in part and denies in part the contents of paragraph 255. WJ admits he was designated by the US Department of Treasury as a SDGT, although he denies the basis for his designation. To the extent paragraph 255 names WJ as the head of the Muslim World League and the Secretary-General of the Rabita Trust, WJ admits these allegations are true. WJ denies, however, that he operated MWL offices around the world and that said offices served in the early days of al Qaeda to attract and train holy warriors for the war in Afghanistan. WJ further denies he directed organizations that have provided financial and logistical support to Al Qaida. Any and all other allegations made in paragraph 255 other than those addressed above, can neither be affirmed or denied as WJ does not possess sufficient information to respond.
36. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 256 - 260.

The SAAR Foundation

37. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 261 - 267.

Rabita Trust

38. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 268 - 269.
39. WJ affirms in part and denies in part the contents of paragraph 270. WJ admits he was the former head Rabita Trust but denies he was a known al Qaeda member. WJ denies Rabita Trust is an al Qaeda front. To the extent paragraph 270 cites a Treasury Department press release, and incorporates allegations presented by said press release into paragraph 270, WJ denies the allegations presented in both the press release and as it is being incorporated into an allegation for Plaintiffs' in paragraph 270.
40. WJ affirms in part and denies in part the contents of paragraph 271. WJ admits he was designated by the US Department of Treasury as a SDGT, although he denies the basis for his designation. To the extent paragraph 271 cites an unknown and unnamed source and incorporates allegations presented by this unknown and unnamed source into paragraph 271, WJ denies the allegations presented in both the unknown and unnamed source and as it is being incorporated into an allegation for Plaintiffs' in paragraph 271.
41. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 272 - 275.

The Global Relief Foundation

42. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 276 - 295.

Taibah International Aid Association

43. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 296 - 308.

Saudi Binladin Group

44. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 309 - 329.

Yassin Abdullah al-Kadi and Muwaffaq

45. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 330 - 338.

Certain Members of the Saudi Royal Family, and Related Persons

46. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 339 - 432.

Delta Oil Company

47. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 433 - 442.

NIMIR LLC

48. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 443 - 455.

Ary Gold LTD

49. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 456 - 468.

The Republic of Sudan

50. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 469 - 497.

The Agencies and Instrumentalities of the Republic of Sudan

51. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 498 - 501.

The Saudi – Spanish – German al Qaeda Scheme

52. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 502 - 542.

Abu Qatada al-Filistini

53. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 543 - 549.

Mohammed Hussein al-Amoudi

54. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 550 - 553.

Yassir al-Sirri

55. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 554 - 560.

The Advice and Reformation Committee (ARC) and The Committee for the Defense of Legitimate Rights (CDLR)

56. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 561 - 585.

Islamic Cultural Center of Milan/Islamic Cultural Center of Geneva

57. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 586 - 612.

Mercy International Relief Agency

58. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 613 - 623.

Laundering of al Qaeda Funda Through Diamond Business

59. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 624 - 630.

Additional Defendants

60. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 631 - 634.

CLAIMS

COUNT I

FOREIGN SOVEREIGN IMMUNITIES ACT

61. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 635 - 640. The allegations in paragraphs 635 - 640 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT II

TORTURE VICTIM PROTECTION ACT

62. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 641 - 644. The allegations in paragraphs 641 - 644 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT III

18 U.S.C. § 2331

63. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 645 - 652. The allegations in paragraphs 645 - 652 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT IV

ALIEN TORT CLAIMS ACT

64. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 653 - 657. The allegations in paragraphs 653 - 657 further constitute

conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT V

WRONGFUL DEATH

65. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 658 - 664. The allegations in paragraphs 658 - 664 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT VI

NEGLIGENCE

66. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 665 - 667. The allegations in paragraphs 665 - 667 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT VII

SURVIVAL

67. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 668 - 670. The allegations in paragraphs 668 - 670 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT VIII

INTENTIONAL AND/OR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

68. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 671 - 676. The allegations in paragraphs 671 - 676 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT IX

CONSPIRACY

69. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 677 - 682. The allegations in paragraphs 677 - 682 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT X

AIDING AND ABETTING

70. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 683 - 688. The allegations in paragraphs 683 - 688 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT XI

18 U.S.C. § 1962(A) – CIVIL RICO

71. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 689 - 698. The allegations in paragraphs 689 - 698 further constitute

conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT XII

18 U.S.C. § 1962(c)

72. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 699 - 706. The allegations in paragraphs 699 - 706 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT XIII

18 U.S.C. § 1962(d)

73. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 707 - 714. The allegations in paragraphs 707 - 714 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT XIV

PUNITIVE DAMAGES

74. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 715 - 717. The allegations in paragraphs 715 - 717 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

COUNT XV

**PUNITIVE DAMAGES – AGENCIES AND INSTRUMENTALITIES OF THE FOREIGN
STATE DEFENDANT**

75. WJ does not possess sufficient information to admit or deny the allegations in paragraphs 718 - 722. The allegations in paragraphs 718 - 722 further constitute conclusions of law to which no response is required. To the extent a response is required, the allegations are denied as to WJ.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

Plaintiffs' claims fail to state a claim against WJ for which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

(Causation)

There is no causal connection between any of WJ's activities and plaintiffs' injuries.

THIRD AFFIRMATIVE DEFENSE

(Causation)

No act or omission of any agent, servant, or employee of WJ proximately caused any harm or damages to plaintiffs.

FOURTH AFFIRMATIVE DEFENSE

(Other Tortfeasors)

Plaintiffs' damages and injuries were caused by other individuals or entities who are, or are not, named as parties to this action.

FIFTH AFFIRMATIVE DEFENSE

(Improper Venue)

This Court is not the proper venue for plaintiffs' claims against WJ.

SIXTH AFFIRMATIVE DEFENSE

(Subject Matter Jurisdiction)

This Court does not have subject matter jurisdiction over plaintiffs' claims against WJ.

SEVENTH AFFIRMATIVE DEFENSE

(Personal Jurisdiction)

This Court does not have personal jurisdiction over WJ.

EIGHTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

Plaintiffs' claims against WJ are barred, in whole or in part, by the applicable statute of limitations.

NINTH AFFIRMATIVE DEFENSE

(Punitive Damages)

Plaintiffs' claims for punitive damages against WJ are barred because WJ's activities, as alleged by plaintiffs, were not committed with intent, malice, willful and outrageous conduct aggravated by evil motive, or reckless indifference, and none of WJ's activities in any way were intended to, or did harm, the plaintiffs in this action.

TENTH AFFIRMATIVE DEFENSE

(No Double Recovery)

Plaintiffs' claims for compensatory and punitive damages are barred to the extent that some plaintiffs are also seeking recovery against WJ, for the same or similar claims, in the civil actions comprising the multi-district entitled *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (RCC), pending in the United States District Court for the Southern District of New York.

ELEVENTH AFFIRMATIVE DEFENSE

In response to plaintiffs' claims, WJ intends to invoke any other defenses, including, affirmative defenses, as they may become apparent through discovery, and reserve the right, in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules of the United States District Court for the Southern District of New York, to assert such defenses.

TWELFTH AFFIRMATIVE DEFENSE

The Central Intelligence Agency, The Federal Bureau of Investigation, and other agencies of the United States government had information and resources at their disposal to prevent the September 11, 2001, attacks from occurring. But for their failure to utilize this information and these resources, WJ would not be a named defendant in this action because the September 11th tragedy would never have occurred.

WHEREFORE, WJ requests that the Plaintiffs' Third Amended Complaint be dismissed with prejudice as to WJ, and the Court award attorney's fees and costs to WJ in defending this case with no factual or legal basis against WJ, and award any other relief that the Court deems just under the circumstances.

Respectfully submitted,

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